

facts shown by the papers stated shortly as follows:

"Dr. Rusby lived in New York and was employed as a scientific expert in the Bureau of Chemistry to examine importation of drugs, under an agreement by which he received \$20 a day for laboratory work, and \$50 a day for attendance in court."

**Dr. Rusby Objected.**  
"On May 24, 1909, the Attorney-General advised the Secretary of Agriculture that, under the act of March 15, 1908 (34 Stat. 1289) no classified scientific investigator should receive a salary to exceed \$9 a day. On May 29, 1909, an order was issued putting him on the roll at a salary of \$9 a day when actually employed."

"Dr. Rusby objected to this and applied to Dr. Kebler, chief of the drug laboratory, to secure a different arrangement. The matter seems to have been held in abeyance for some time. Finally, as a result of conference between Dr. Kebler, Dr. Bigelow and Dr. Wiley, with respect to the request of Dr. Rusby for an increased compensation, Dr. Wiley said he would submit to you for your approval an appointment of Dr. Rusby at a salary at the rate of \$2,000 per annum on the miscellaneous roll. Dr. Bigelow then wrote to Dr. Rusby under date of January 21, 1911, as follows:

"Kebler and I took the matter up with Dr. Wiley to-day, and he said he would approve it if we had on record an understanding with you, so we could not be held responsible for your receiving an annual salary and not devoting your whole time to the bureau. I told him that if you were given an appointment at the rate of \$110 a month, you would agree not to receive more than \$29 a day for time actually employed. By that I mean the usual official day of seven and one-half hours. This would be equivalent to eight and one-half days a month on the average. I told him that if it happened that your work for the department amounted on the average to less time than that you would ask for leave of absence for sufficient time to bring it to that basis."

"Dr. Rusby answered this letter and questioned what was meant by it. He said he did not understand Bigelow's letter clearly, and supposed that if he did not earn the entire salary, he would not expect to receive any more than was earned."

**Appointment Approved.**  
"Meantime, on February 6, Dr. Wiley submitted to you an appointment of Dr. Rusby at a salary at the rate of \$1,600 per annum on the miscellaneous roll. He made the reduction after examining the records and finding the amount of work done by Dr. Rusby during the preceding two years. You approved this appointment."

"After the appointment of Dr. Bigelow wrote Dr. Rusby that he thought the present arrangement was better than the former arrangement, when he was receiving \$20 per day for laboratory work and \$50 a day for court work, because he said you are now assured of getting a certain amount each month, instead of the time spent, and you can still so plan your work as to interfere with your regular duties to a minimum extent."

"This did not satisfy Dr. Rusby, and he sought further information in a letter dated March 3, 1911."

"On March 4, Dr. Kebler wrote to Dr. Rusby stating, among other things, the following:

"Personally, I am of the opinion that your new appointment is much better than the old. Under this appointment you can do as little as one day's work per month, and you get your salary in full for your own hands."

"On March 5, Dr. Rusby wrote to Dr. Kebler, saying that he had decided to accept the appointment."

"The nub of the charge by the personnel board was that Dr. Wiley, Dr. Kebler, Dr. Bigelow and Dr. Rusby, in effect, conspired to put on the record a contract for a general salary of \$1,600 a year, but actually and secretly made a contract with him by which he was only to do enough work during the year for the \$1,600 to secure him a compensation of \$20 a day, and that this was done in deliberate and defiant violation of the act interpreted by the Attorney-General in the opinion at ready referred to, in which he held that Congress had limited the compensation of experts to \$9 a day."

"After you submitted to me the report of the personnel board I asked the Attorney-General to examine it and give me his opinion in respect to the matter. He advised me that the recommendations of the personnel board ought to be carried out."

**Full Defense Impossible.**  
"An examination of the records satisfied me that the questions had not been presented to the persons involved in such a way as to enable them to make a full defense. Accordingly I directed you to submit a full report to each one of the persons charged and invite from him an answer. These answers were filed in due course and are quite full in detail. The answer of Dr. Wiley specifically denies that he ever saw the correspondence between Dr. Rusby and Dr. Bigelow or that he ever conspired with either of them to receive compensation at a rate in excess of that prescribed by the statute, as interpreted by the Attorney-General."

"The truth is, it appears from the answer of Dr. Wiley, Dr. Kebler and Dr. Bigelow that they had been a good many precedents in the department which seemed to justify the employment of Dr. Rusby at an annual salary when it was not expected that his entire time would be taken up. This was the case with respect to the employment of what was known as the Remsen board."

"The Remsen board was created of a number of experts, all of whom were known to be engaged in other professional work than that of the Remsen board. The employment of the Remsen board at the rate of \$2,000 a year for each member necessarily involved the proposition that such an annual salary might lawfully be paid without requiring labor of seven hours a day from each person so employed."

"His, the Attorney-General in his opinion intimates is contrary to the statute, but in the Agricultural Department it was not thought to be the case. So Director McCabe, to whom I referred the question of precedents made in the case, replied that in the practice of the department the clause in the appropriation act of March 4, 1907, had been held to have no application to the employment of experts outside of Washington."

"It is necessary fully to understand this difference between the attitude of the department toward an employment at an annual salary of this kind, but in the Agricultural Department it was not thought to be the case. So Director McCabe, to whom I referred the question of precedents made in the case, replied that in the practice of the department the clause in the appropriation act of March 4, 1907, had been held to have no application to the employment of experts outside of Washington."

"I regret to say that the arrangement which Dr. Rusby thus made is not especially creditable to him and shakes in some degree one's confidence in his avowed wish to make personal sacrifice in the public interest for the pure food law. But Dr. Rusby's position as an expert of high standing is such that I do not think that any more than this expression of opinion should be imposed as penalty. My information is that the government

"Berry's for Clothes"



YOU are the one we hope to see in to-day.

Our new stock is an encyclopedia of fashion.

Every new idea in suits and overcoats on which Dame Fashion has put the seal of style.

For young men—odd fabrics and novel combinations of colors and extreme models.

For the conservative ones "quiet elegance."

\$15 buys a suit good enough to wear most anywhere.

For \$35 a suit good enough to wear everywhere.

Soft Hats for early Fall.

Pleasing and natty styles, shapes and fabrics that will catch the eye and become the physique of any man.

\$2 and upwards.

A hat specialty—jaunty hats for young women. Ask to see them.

*Oct. Dwyer*

been the case generally in the Agricultural Department, that such an employment at an annual salary might be entered into with experts of this kind, and only subject the experts to an obligation to work for the department

when called upon, with the understanding that they had no other vocation, to which their chief attention was given, it clearly reconciled the action of Dr. Wiley with a desire to comply with the law.

**Might Have Been Different.**

"The recommendation of the Attorney-General given to me was upon only part of the evidence, and hence his judgment was different, doubtless, from what it would have been if he had had the whole record before him, as I have now."

"It seems fairly clear that Dr. Wiley, after an examination of the records, concluded that the employment of Dr. Rusby at \$9 a day for laboratory work and \$50 a day for court work, would amount to \$1,600 a year if the department called on him whenever they needed him, and that it was this arrangement to which you consented. In Dr. Kebler's anxiety to induce Dr. Rusby to accept the new terms of the contract, he certainly betrayed a willingness to consent to his employment of Dr. Rusby at \$1,600 a year in one way to reconcile it with the law, and in another way to satisfy Dr. Rusby in his wish to secure \$20 a day, and I think he ought to be reprimanded for his disingenuous conduct in writing such letters as he did. The language of his letters does not have a commendable tone, and suggests a willingness to resort to evasion, that calls for official reproof."

"In respect to Dr. Rusby I do not find it difficult to say that he was only seeking for a general salary of \$1,600 a year, but actually and secretly made a contract with him by which he was only to do enough work during the year for the \$1,600 to secure him a compensation of \$20 a day, and that this was done in deliberate and defiant violation of the act interpreted by the Attorney-General in the opinion at ready referred to, in which he held that Congress had limited the compensation of experts to \$9 a day."

"The truth is, the limitations upon the bureau chiefs and heads of departments to exact per diem compensation for the employment of experts in such cases as this is a doubtful legislative policy."

"If this were a knowing, wilful, deliberate effort to evade the statute as construed by the Attorney-General, accompanied by a scheme to conceal the fact, I should think the punishment recommended was none too great; but an examination of the whole case satisfies me that a different construction ought to be put upon what was done; that the evidence does not show that Dr. Wiley was in any way guilty of a crime, and that his action in the matter was only in accordance with previous precedents in the department which justified him in doing what he did."

**They Were Overzealous.**  
"With respect to the other persons charged, I find an overzeal in Dr. Kebler and Dr. Bigelow, which prompted a disingenuous method of squaring Dr. Rusby's desire for what he thought was adequate compensation with the contract which you and Dr. Wiley were willing to make with him, and that for this Dr. Kebler and Dr. Bigelow should be reprimanded by you. I examined the record in this case a number of weeks ago and reached the conclusion which I have stated here; but meantime, a committee of the House of Representatives deemed it proper to institute an investigation into the Department of Agriculture, and especially into the Bureau of Chemistry and its relation to the department generally."

"It seemed to me under these conditions that perhaps it was wiser for me to delay until the investigation was completed and the report of the committee made. The committee has not made a report, although I believe the evidence has been substantially closed, and will not do so until the next session of Congress. Further consideration satisfies me that there are very much broader questions involved in the investigation and the evidence there brought out than in the present charge, which is narrow and definite and can now be properly disposed of. The broader issues raised by the investigation, which have a much weightier relation than this one to the general efficiency of the department, require much more radical action than the question I have here considered and decided."

"There is another charge against Dr. Rusby for securing the appointment, on the common laborers' rolls, of a physician and expert whom he would use to do his work at a very small stipend which he himself was called away in other employment."

"I regret to say that the arrangement which Dr. Rusby thus made is not especially creditable to him and shakes in some degree one's confidence in his avowed wish to make personal sacrifice in the public interest for the pure food law. But Dr. Rusby's position as an expert of high standing is such that I do not think that any more than this expression of opinion should be imposed as penalty. My information is that the government

## MAY SURVIVE WOUNDS



M. STOLY PIN, Russian Premier who was shot by would-be assassin in Municipal Theatre Thursday Evening.

needs his services, and that he has already rendered valuable aid. The error referred to committed by him should not call for further action or remark.

"You will communicate the result to the personnel board and also to the persons charged."

"Sincerely yours,"  
(Signed) "WILLIAM H. TAFT."

**Vindication Complete.**

Washington, D. C., September 15.—Few government departmental controversies have stirred official Washington as did the Wiley case. All officials here received the President's opinion with great interest, but the leading figures in the case to-day were away on vacation. Up in the Blue Ridge Mountain retreat, a farm at Bluemont, where he spends his spare time supervising his crops, Dr. Wiley read the full text of the President's opinion upholding the chemistry chief's course, but beyond saying it was a complete vindication for him, Dr. Wiley would make no comment. Secretary of Agriculture Wilson, on his farm at Traer, Iowa, made only brief comment, characterizing the President's decision as wise, and that it will give general satisfaction throughout the country.

Solicitor McCabe, of the department, was in the West and Attorney-General Wickersham, who rendered the opinion recommending Dr. Wiley's dismissal, was in New York.

Much speculation was caused by the President's reference to the possible necessity of more drastic action after the House investigating committee makes its report next December on the Wiley case, foreshadowing an eventual shake-up in the personnel of the department.

The antagonism between the chemistry bureau, of which Dr. Wiley is chief, and Solicitor McCabe's office is a crucial issue. During the congressional investigation last summer Secretary Wilson declared Dr. Wiley had "talked through his hat," characterized some of his actions as radical, and said that the disagreement between Dr. Wiley and the pure food referee board and declared that he (Secretary Wilson) would prefer to resign than to go through another "bureau row."

Dr. Wiley testified that the antagonism between his bureau and the solicitor's office apparently would prevent any well balanced board on pure food decisions from working without friction. He said he found it useless to appeal to Secretary Wilson; under existing circumstances he considered Dr. Dunlap, his associate chemist, as his superior officer. Dr. Dunlap and Solicitor McCabe overruling him on two-thirds of the pure food cases. The three constitute the pure food board. Dr. Dunlap said to-day that he had not considered the question of resignation. During the House investigation, Solicitor McCabe was characterized by Dr. L. F. Kebler, chief

of the drug division, as "arbitrary and domineering," and by Assistant Chemist Bigelow as "severe and unjust."

Paris, September 15.—The Chanler-Cavalleri divorce case is now at a deadlock. All efforts on the part of Robert W. Chanler and family to induce Mme. Cavalleri to consent to a divorce have been so far fruitless, as the famous singer is absolutely firm in her resolution not to give up a fraction of the monetary privileges conferred upon her by her marriage settlement.

Sidney Harris, Chanler's lawyer, who left New York on August 29, is said to be now on his way here, with a view of making a final offer of \$70,000 in cash in exchange for a full renunciation of the marriage settlement and her consent to a divorce. The affair seems, however, to trouble Mme. Cavalleri very little.

"There is absolutely no hope for them to make me back out," she said to a reporter who saw her this afternoon at her house in Paris. "My lawyer has not heard of Mr. Harris's proposal yet, but I see no reason why I should bargain for a thing which is absolutely and legally mine."

The advantages of the transaction are all on their side. I have already gone through enough trouble about this without adding to it any money purchase of the first powder used by the Confederacy from Dupont. General Boggs superintended the erection of the fortifications at Savannah and Atlanta. He issued the first and last purchase of the first powder used by the Confederacy from Dupont. General Boggs superintended the erection of the fortifications at Savannah and Atlanta. He issued the first and last purchase of the first powder used by the Confederacy from Dupont.

Mme. Cavalleri, who was billed with the Hammerstein opening of "Quo Vadis," has given up the part and won't appear until the middle of December, when she will sing "Thais" and other operas in French repertoire. She is now busy and working hard at her voice, and has lately been singing "Aida."

"Of course, I want to go back to America," she said. "I have already a contract to sing in Mexico in February, and as I shall be going by the way of Boston I will take the opportunity to fulfill a long delayed promise to Henry Russell to sing ten times for him at the Boston Opera House."

General Boggs wrote a number of papers, consisting of reminiscences of the Civil War, which he gave to Harry Taylor, his grandson. These papers contain many things of interest in connection with the war, which have never been published in history. He was an interesting conversationalist, and talked most entertainingly of incidents of the war and other things observed in his long and useful life. General Boggs married Miss Mary Symington, of Baltimore, Md., a daughter of Major Symington, of the United States Army. Six children blessed this union. A grand and splendid line of railway built in the United States, and his grandfather, with whom he was riding at the time, made the remark that the time would come when people would invent airships. He was greatly impressed with the first electric light installed in Charleston, S. C.

The funeral services probably will be conducted Sunday afternoon. The remains were taken to St. Paul's Episcopal Church this evening under military escort, composed of Confederate veterans, and will lie in state until Sunday. A guard of honor, composed of Confederate veterans, will remain at the church during the day and a guard of honor, composed of Sons of Confederate Veterans, at night.

**At Fountains & Elsewhere.**  
Ask for  
"HORLICK'S"  
The Original and Genuine  
MALTED MILK

The Food-drink for All Ages.  
At restaurants, hotels, and fountains. Delicious, invigorating and sustaining. Keep it on your sideboard at home.

Don't travel without it.  
A quick lunch prepared in a minute. Take no imitation. Just say "HORLICK'S." Not in Any Milk Trust

THE PRINCESS HELENA OF SERBIA, who married Prince John Constantinovich, son of the Grand Duke Constantine Constantinovich, on September 3, King Nicholas of Montenegro has presented the bride with a necklace worth \$20,000.



The Hit of the Season

A Crossett that has "gone with a rush."

Distinctly young mannish in every line.

Note the unique scheme of perforation—

The "stunty" stitching of the sole—

The 1 3/4 inch heel.

It's really a marvel of stylishness—and of comfort, too.

**Crossett Shoe**  
"Makes Life's Walk Easy"

\$4 to \$6 everywhere.  
Lewis A. Crossett, Inc. Makers.  
North Abington, Mass.

## GENERAL BOGGS DIES AT WINSTON

Prominent Confederate Veteran Succumbs to Attack of Acute Indigestion.

[Special to The Times-Dispatch.]

Winston-Salem, N. C., September 15.—Brigadier-General William Robertson Boggs, of the Confederate army, died at the home of his daughter here to-day of acute indigestion. General Boggs, who would have been eighty-three years of age next March, was born in Augusta, Ga. He was graduated from West Point about 1850, standing third in his class. He was commissioned as second lieutenant of engineers in the United States army and was promoted to first lieutenant and captain. Later, in 1861, while stationed at St. Louis, Mo., he resigned his commission in the United States army and accepted a captaincy of engineers in the Confederate States army. In a very short time he was promoted to the rank of colonel, and was placed as engineering officer in charge of the fortifications on the coasts of Georgia and Florida. At the close of the war he had been promoted to the rank of brigadier-general, and chief of staff to General Kirby Smith, who commanded the Trans-Mississippi Department, and surrendered with his command near Guntersville, about May 1, 1865. General Boggs superintended the erection of the fortifications at Savannah and Atlanta. He issued the first and last purchase of the first powder used by the Confederacy from Dupont. General Boggs advised the Confederacy to erect powder mills of its own, and later had charge of some nitre beds in Mississippi.

General Boggs wrote a number of papers, consisting of reminiscences of the Civil War, which he gave to Harry Taylor, his grandson. These papers contain many things of interest in connection with the war, which have never been published in history. He was an interesting conversationalist, and talked most entertainingly of incidents of the war and other things observed in his long and useful life. General Boggs married Miss Mary Symington, of Baltimore, Md., a daughter of Major Symington, of the United States Army. Six children blessed this union. A grand and splendid line of railway built in the United States, and his grandfather, with whom he was riding at the time, made the remark that the time would come when people would invent airships. He was greatly impressed with the first electric light installed in Charleston, S. C.

The funeral services probably will be conducted Sunday afternoon. The remains were taken to St. Paul's Episcopal Church this evening under military escort, composed of Confederate veterans, and will lie in state until Sunday. A guard of honor, composed of Confederate veterans, will remain at the church during the day and a guard of honor, composed of Sons of Confederate Veterans, at night.

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## CITIES URGED TO KEEP STATISTICS

Census Bureau Official Addresses League of Virginia Municipalities.

MEETS NEXT AT ALEXANDRIA

New Officers Elected, Mayor D. C. Richardson Being First Vice-President.

[Special to The Times-Dispatch.]  
Cape Charles, Va., September 15.—At the second day's meeting of the League of Virginia Municipalities, in session here, an address was made by Hon. LeGrande Powell, chief statistician of the Bureau of Census, Washington, D. C. He urged that all cities keep, as far as possible, statistics in regard to every branch of the municipalities of the death rate, fires, amount of paving and all matter that will be of special benefit to the Census Bureau.

Frank H. Wentworth, secretary of the National Fire Protection Association, Boston, Mass., spoke on the subject, "Fire Hazard."

The function of the public school was discussed by J. D. Eggleston, Jr., Superintendent of Public Instruction of Virginia; John A. McKee, of Charlotte, N. C., spoke on the subject of "Good Roads"; Hon. Clayton Rogers Woodruff, secretary of the National Municipal League, Philadelphia, made an interesting address on the "needs of Municipalities"; S. Gordon Cumming, Hampton, Va., gave an interesting talk on "Public Service by Private Citizens," and Barton Myers, ex-Mayor of Norfolk, spoke of the "Value of Municipalities"; Professor Kent, Ph. D., of the University of Virginia, made an address on the subject of "Planning City of the Future."

The meeting then adjourned to meet at Alexandria the third Tuesday in September, 1912. The following of officers were elected for the ensuing year: President, A. B. Brockett, of Alexandria; First Vice-President, D. C. Richardson, of Richmond; Second Vice-President, R. E. Steed, of Norfolk; Third Vice-President, Robert Brydon, of Danville; Secretary-Treasurer, L. C. Brinson, of Portsmouth.

Resolutions were passed thanking the citizens of Cape Charles for the courtesy extended, and especially for the entertainment provided for the women. The New York, Philadelphia and Norfolk Railroad was also thanked for the steamer tendered the members of the convention for the delightful trip to the capes. The president was directed to appoint a committee of ten as delegates to the National League of Virginia, which meets in Richmond in November. An invitation was received from Bristol and Pocomantas for the purpose of holding the next meeting.

## SUMMER RESORT MENAGED BY FIRE

Norfolk, Va., September 15.—An early morning fire of unknown origin wiped out an even dozen boardwalk amusement places at Ocean View to-day, and for a time menaced the entire resort, as well as the property of the Chesapeake Bay shore front, adjoining the View. But for a providential shift of the wind and heroic work on the part of volunteer fire fighters the loss would have been very great. The fire wiped out amusement property valued at about \$15,000, with insurance only partial.

The Ocean View resort is controlled by the Virginia Railway and Power Company, which is now in the process of moving its headquarters here, however, and not the Gould interest were to-day's losers.

## BRIDE OF THREE WEEKS ENDS LIFE

[Special to The Times-Dispatch.]  
Woodstock, Va., September 15.—Mrs. Rebecca F. Scothern, wife of George W. Scothern, died last night at her home in Strasburg from the effects of a dose of poison, taken with suicidal intent. No cause can be assigned. Mr. and Mrs. Scothern were married three weeks ago. She was the daughter of Mrs. James Bowman, of Hawkinsstown, W. Va.

**Goes to French School to Learn Horsemanship**

Captain Condar S. Babcock, of the United States Cavalry, is one of three officers who will be sent by the War Department to the French riding school at Saumur. It is desired that the American cavalry soldier be a perfect horseman, as in the days of the Indian campaigns. Upon the return of the officers from France they will be appointed instructors in the American mounted service schools.

Funeral from 316 Bowling Green Avenue, thence to St. Peter's Church, on SUNDAY at 4 P. M. Interment Mt. Calvary.

FRY.—Died, at his residence, No. 1021 North First Street, at 2 o'clock Thursday, WALTER H. FRY, a well known barber of the city. He leaves a wife and three children, a daughter and five brothers and many relatives and friends to mourn their loss.

Funeral from the residence SUNDAY at 1 o'clock P. M. Philadelphia and Petersburg papers please copy.

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